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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,211

06/08/2005

Yasuo Suzuki

2005_0700A

6772

513 7590 07/29/2008

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EXAMINER

BOESEN, AGNIESZKA

ART UNIT

PAPER NUMBER

1648

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10532211	6/8/2005	SUZUKI ET AL.	2005_0700A

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EXAMINER

Agnieszka Boesen

ART UNIT	PAPER
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1648	20080721
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Commissioner for Patents

The amendment filed on April 23, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because new claim 20 drawn to a method for inhibiting a dengue virus infection is a distinct invention from the elected and examined invention of canceled claims 1-3 and 6, drawn to a product of a carbohydrate molecule. Invention of new claim 20 and the invention of canceled claims 1-3 and 6 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the method can be practiced with another materially different product, for example the dengue virus can be inhibited using ribavirin and mycophenoic acid (see Takhampunya et al. J. Gen Virology. 2006, Vol. 87, p. 1947-1952) or using peptide inhibitors (see Jun et al. WO/2006/014232) as opposed to using a carbohydrate inhibitor as claimed. Searching new claim 20 would require a new search and consideration and would present an undue burden on the Office. The invention of claims 1-3 and 6 has been constructively elected by original presentation for prosecution on the merits and Applicant has received an action on the merits for the originally presented invention. Accordingly, new claim 20, drawn to a different invention will not be examined.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Bruce Campell/
Supervisory Patent Examiner, Art Unit 1648

/Agnieszka Boesen, Ph.D./
Examiner, Art Unit 1648